

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

Dorothy B. Gillilan,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 07-G-2158-NW
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION


The plaintiff, Dorothy B. Gillilan, brings this action seeking judicial review of a final adverse decision of the Commissioner of the Social Security Administration (the Commissioner) denying her application for Social Security Benefits. Dorothy B. Gillilan filed an application for Social Security Benefits. Thereafter, plaintiff timely pursued and exhausted the administrative remedies available before the Commissioner. Accordingly, this case is now ripe for judicial review pursuant to the provisions of section 205(g) of the Social Security Act (the Act), 42 U.S.C. § 405(g).

The sole function of this court is to determine whether the decision of the Commissioner is supported by substantial evidence and whether proper legal standards were applied. Bloodsworth v. Heckler, 703 F.2d 1233, 1239 (11th Cir. 1983). To that end this court “must scrutinize the record as a whole to determine if the decision reached is reasonable and supported by substantial evidence.” Bloodsworth, at 1239 (citations

omitted). Substantial evidence is “such relevant evidence as a reasonable person would accept as adequate to support a conclusion.” Bloodsworth, at 1239. The court has carefully reviewed the entire record in this case and is of the opinion that the Commissioner's decision is supported by substantial evidence and that proper legal standards were applied in reaching that decision. In particular the court rejects plaintiff's argument that the ALJ should have rejected the opinion of her treating physician, Dr. Harrison, because it was not supported by his treatment notes. The ALJ, in his decision discussed a treatment note from Dr. Harrison dated September 29, 2004, that indicated the plaintiff was “poorly motivated” and that her “goal was to get disability benefits and not have to work.” Record at 450. There are other treatment notes from Dr. Harrison that suggest the plaintiff lacked motivation. In July 2006 Dr. Harrison included “amotivation” as a diagnostic impression. Record 490. Therefore, the court concludes that the ALJ's decision to credit the plaintiff's treating physician was supported by substantial evidence. Accordingly, the decision of the Commissioner must be affirmed.

A separate order in conformity with this memorandum opinion will be entered.

DONE and ORDERED 16 March 2009.


UNITED STATES DISTRICT JUDGE
J. FOY GUIN, JR.